

HOUSE BILL No. 1616

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-1-8-1; IC 4-33; IC 6-8.1-1-1; IC 7.1-3-17.5-1.5; IC 8-18-8-5; IC 10-13-3-6; IC 12-13-14-4.5; IC 12-23-2; IC 20-47-1; IC 35-45-5-10; IC 35-46-1-11.5; IC 36-1; IC 36-7-11.5-7.

Synopsis: Funding for regional mass transit. Creates a funding source for regional transportation authorities by authorizing a single casino license for Marion County. Requires the approval of casino gambling in Marion County: (1) in an ordinance adopted by the county fiscal body; and (2) by the voters of the county in a local public question. Allocates casino revenues among the regional transportation authorities, Marion County and its municipalities, other counties, and the division of mental health and addiction.

Effective: July 1, 2007.

Orentlicher

January 23, 2007, read first time and referred to Committee on Public Policy.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1616

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.141-2006,
2 SECTION 3, AND AS AMENDED BY P.L.157-2006, SECTION 1, IS
3 CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) No individual may be
5 compelled by any state agency, board, commission, department,
6 bureau, or other entity of state government (referred to as "state
7 agency" in this chapter) to provide the individual's Social Security
8 number to the state agency against the individual's will, absent federal
9 requirements to the contrary. However, the provisions of this chapter
10 do not apply to the following:
11 (1) Department of state revenue.
12 (2) Department of workforce development.
13 (3) The programs administered by:
14 (A) the division of family ~~and children~~, resources;
15 (B) the division of mental health and addiction;
16 (C) the division of disability ~~aging~~, and rehabilitative services;
17 and



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(D) *the division of aging; and*

~~(E)~~ (E) the office of Medicaid policy and planning;
of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of
broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the
registration of lobbyists.

(8) Indiana department of administration, with respect to bidders
on contracts.

(9) Indiana department of transportation, with respect to bidders
on contracts.

(10) Indiana professional licensing agency.

(11) Department of insurance, with respect to licensing of
insurance producers.

(12) *The department of child services.*

~~(12)~~ (13) A pension fund administered by the board of trustees of
the public employees' retirement fund.

~~(13)~~ (14) The Indiana state teachers' retirement fund.

~~(14)~~ (15) The state police benefit system.

~~(15)~~ (16) The alcohol and tobacco commission.

(17) *The state department of health, for purposes of licensing
radiologic technologists under IC 16-41-35-29(c).*

(b) The bureau of motor vehicles may, notwithstanding this chapter,
require the following:

(1) That an individual include the individual's Social Security
number in an application for an official certificate of title for any
vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security
number on an application for registration.

(3) That a corporation, limited liability company, firm,
partnership, or other business entity include its federal tax
identification number on an application for registration.

(c) The Indiana department of administration, the Indiana
department of transportation, and the Indiana professional licensing
agency may require an employer to provide its federal employer
identification number.

(d) The department of correction may require a committed offender
to provide the offender's Social Security number for purposes of
matching data with the Social Security Administration to determine
benefit eligibility.

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(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for ~~a riverboat~~ **an** owner's license, **a** supplier's license, or **an** occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for ~~a riverboat~~ **an** owner's license or **a** supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 4-33-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This article applies only to the following:

(1) Counties contiguous to Lake Michigan.

(2) Counties contiguous to the Ohio River.

(3) A county that contains a historic hotel district.

(4) A county containing a consolidated city.

SECTION 3. IC 4-33-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. All shipments of gambling devices, including slot machines, to an operating agent or a ~~licensed riverboat licensee~~ in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer thereof in accordance with 15 U.S.C. 1171 through 1178, are legal shipments of gambling devices into Indiana.

SECTION 4. IC 4-33-2-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.8. "Casino" refers to a land based casino authorized under this article.**

SECTION 5. IC 4-33-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. "Gambling operation" means the conduct of authorized gambling games on a riverboat **or in a casino.**

SECTION 6. IC 4-33-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. "Gross receipts"

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means the total amount of money exchanged for the purchase of chips, tokens, or electronic cards by riverboat **or casino** patrons.

SECTION 7. IC 4-33-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. "Licensed owner" means a person that owns a riverboat **or a casino** that is licensed under this article.

SECTION 8. IC 4-33-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. "Owner's license" means a license issued under IC 4-33-6 that allows a person to own and operate a riverboat **or a casino**.

SECTION 9. IC 4-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of riverboat **and casino** gambling established under this article:

- (1) All powers and duties specified in this article.
- (2) All powers necessary and proper to fully and effectively execute this article.
- (3) Jurisdiction and supervision over the following:
 - (A) All ~~riverboat~~ gambling operations in Indiana.
 - (B) All persons on ~~riverboats~~ **any premises** where gambling operations are conducted.
- (4) Investigate and reinvestigate applicants and license holders and determine the eligibility of applicants for licenses or operating agent contracts.
- (5) Select among competing applicants the applicants that promote the most economic development ~~in a home dock area~~ **within and near the counties described in IC 4-33-1-1** and that best serve the interests of the citizens of Indiana.
- (6) Take appropriate administrative enforcement or disciplinary action against a licensee or an operating agent.
- (7) Investigate alleged violations of this article.
- (8) Establish fees for licenses issued under this article.
- (9) Adopt appropriate standards for the design, appearance, aesthetics, and construction for riverboats, **casinos**, and **other facilities maintained by a licensee or an operating agent**.
- (10) Conduct hearings.
- (11) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.
- (12) Administer oaths and affirmations to the witnesses.
- (13) Prescribe a form to be used by an operating agent or a

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licensee involved in the ownership or management of gambling operations as an application for employment by potential employees.

(14) Revoke, suspend, or renew licenses issued under this article.

(15) Hire employees to gather information, conduct investigations, and carry out other tasks under this article.

(16) Take any reasonable or appropriate action to enforce this article.

(b) Applicants and license holders shall reimburse the commission for costs related to investigations and reinvestigations conducted under subsection (a)(4).

SECTION 10. IC 4-33-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The commission shall adopt rules under IC 4-22-2 for the following purposes:

(1) Administering this article.

(2) Establishing the conditions under which riverboat **and casino** gambling in Indiana may be conducted.

(3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat **and casino** gambling.

(4) Establishing rules concerning inspection of riverboats **and casinos** and the review of the permits or licenses necessary to operate a riverboat **or a casino**.

(5) Imposing penalties for noncriminal violations of this article.

SECTION 11. IC 4-33-4-3, AS AMENDED BY P.L.170-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The commission shall do the following:

(1) Adopt rules that the commission determines necessary to protect or enhance the following:

(A) The credibility and integrity of gambling operations authorized by this article.

(B) The regulatory process provided in this article.

(2) Conduct all hearings concerning civil violations of this article.

(3) Provide for the establishment and collection of license fees and taxes imposed under this article.

(4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.

(5) Levy and collect penalties for noncriminal violations of this article.

(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's gaming agents during the

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time gambling operations are conducted ~~on a riverboat~~ to do the following:

(A) Certify the revenue received by ~~a riverboat~~ **the licensee or operating agent.**

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(9) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).

(c) Rules adopted under subsection (a)(9) must provide the following:

(1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat, **casino**, or other facility under the jurisdiction of the commission.

(2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.

(3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.

(4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.

(5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person

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participating in the program.

(6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

SECTION 12. IC 4-33-4-3.5, AS AMENDED BY P.L.170-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.5. The commission shall employ gaming agents to perform the duties imposed by this chapter. The licensed owners and operating agents shall, in the manner prescribed by the rules of the commission, reimburse the commission for:

- (1) the training expenses incurred to train gaming agents;
- (2) the salaries and other expenses of staff required to support the gaming agents; and
- (3) the salaries and other expenses of the gaming agents required to be present during the time gambling operations are conducted ~~on a riverboat~~ **by a licensee or an operating agent.**

SECTION 13. IC 4-33-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission may enter an office, a riverboat, **a casino**, a facility, or other premises of an operating agent or a person holding an owner's or supplier's license where evidence of the compliance or noncompliance with this article is likely to be found.

SECTION 14. IC 4-33-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The commission may eject or exclude or authorize the ejection or exclusion of a person from ~~a riverboat gambling facilities or a casino~~ if:

- (1) the person's name is on the list of persons voluntarily excluding themselves from all riverboats **and casinos** in a program established under the rules of the commission;
- (2) the person violates this article; or
- (3) the commission determines that the person's conduct or reputation is such that the person's presence within the riverboat **gambling facilities or casino** may:
 - (A) call into question the honesty and integrity of the gambling operations; or
 - (B) interfere with the orderly conduct of the gambling operations.

(b) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a hearing on the

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person's ejection or exclusion under this section.

SECTION 15. IC 4-33-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The commission shall require an owner or operating agent conducting gambling games to use a cashless wagering system in which a player's money is converted to tokens, electronic cards, or chips that may be used only for wagering on the **owner's riverboat or in the owner's casino.**

SECTION 16. IC 4-33-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. The commission shall annually do the following:

(1) Review the patterns of wagering and wins and losses by persons ~~on riverboat at~~ gambling operations under this article.

(2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

SECTION 17. IC 4-33-4-21.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner or an operating agent to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a riverboat **or casino** if tickets are issued.

(2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

(1) maintained by the division of mental health and addiction under IC 12-23-1-6; and

(2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

SECTION 18. IC 4-33-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a) Except as provided in subsection (b),** an applicant for a license or an operating agent contract under this article must provide the following information to the commission:

(1) The name, business address, and business telephone number of the applicant.

(2) An identification of the applicant.

(3) The following information for an applicant that is not an individual:

(A) The state of incorporation or registration.

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(B) The names of all corporate officers.

(C) The identity of the following:

(i) Any person in which the applicant has an equity interest of at least one percent (1%) of all shares. The identification must include the state of incorporation or registration if applicable. However, an applicant that has a pending registration statement filed with the Securities and Exchange Commission is not required to provide information under this item.

(ii) The shareholders or participants of the applicant. An applicant that has a pending registration statement filed with the Securities and Exchange Commission is required to provide only the names of persons holding an interest of more than one percent (1%) of all shares.

(4) An identification of any business, including the state of incorporation or registration if applicable, in which an applicant or the spouse or children of an applicant has an equity interest of more than one percent (1%) of all shares.

(5) If the applicant has been indicted, been convicted, pleaded guilty or nolo contendere, or forfeited bail concerning a criminal offense other than a traffic violation under the laws of any jurisdiction. The applicant must include the following information under this subdivision:

(A) The name and location of the following:

(i) The court.

(ii) The arresting agency.

(iii) The prosecuting agency.

(B) The case number.

(C) The date and type of offense.

(D) The disposition of the case.

(E) The location and length of incarceration.

(6) If the applicant has had a license or certificate issued by a licensing authority in Indiana or any other jurisdiction denied, restricted, suspended, revoked, or not renewed. An applicant must provide the following information under this subdivision:

(A) A statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation, or nonrenewal.

(B) The date each action described in clause (A) was taken.

(C) The reason each action described in clause (A) was taken.

(7) If the applicant has:

(A) filed or had filed against the applicant a proceeding in

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- 1 bankruptcy; or
- 2 (B) been involved in a formal process to adjust, defer,
- 3 suspend, or work out the payment of a debt;
- 4 including the date of filing, the name and location of the court,
- 5 and the case and number of the disposition.
- 6 (8) If the applicant has filed or been served with a complaint or
- 7 notice filed with a public body concerning:
- 8 (A) a delinquency in the payment of; or
- 9 (B) a dispute over a filing concerning the payment of;
- 10 a tax required under federal, state, or local law, including the
- 11 amount, type of tax, the taxing agency, and times involved.
- 12 (9) A statement listing the names and titles of public officials or
- 13 officers of units of government and relatives of the public officials
- 14 or officers who directly or indirectly:
- 15 (A) have a financial interest in;
- 16 (B) have a beneficial interest in;
- 17 (C) are the creditors of;
- 18 (D) hold a debt instrument issued by; or
- 19 (E) have an interest in a contractual or service relationship
- 20 with;
- 21 an applicant.
- 22 (10) If an applicant for an operating agent contract or an owner's
- 23 or a supplier's license has directly or indirectly made a political
- 24 contribution, loan, donation, or other payment to a candidate or an
- 25 office holder in Indiana not more than five (5) years before the
- 26 date the applicant filed the application. An applicant must provide
- 27 information concerning the amount and method of a payment
- 28 described in this subdivision.
- 29 (11) The name and business telephone number of the attorney
- 30 who will represent the applicant in matters before the
- 31 commission.
- 32 (12) A description of a proposed or an approved riverboat gaming
- 33 operation, including the following information:
- 34 (A) The type of boat.
- 35 (B) The home dock location.
- 36 (C) The expected economic benefit to local communities.
- 37 (D) The anticipated or actual number of employees.
- 38 (E) Any statements from the applicant concerning compliance
- 39 with federal and state affirmative action guidelines.
- 40 (F) Anticipated or actual admissions.
- 41 (G) Anticipated or actual adjusted gross gaming receipts.
- 42 (13) A description of the product or service to be supplied by the

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applicant if the applicant has applied for a supplier's license.

(14) The following information from each licensee or operating agent involved in the ownership or management of gambling operations:

(A) An annual balance sheet.

(B) An annual income statement.

(C) A list of the stockholders or other persons having at least a one percent (1%) beneficial interest in the gambling activities of the person who has been issued the owner's license or operating agent contract.

(D) Any other information the commission considers necessary for the effective administration of this article.

(b) An applicant to own a casino located in a county containing a consolidated city is not subject to the requirements of subsection (a)(12). However, an applicant described in this subsection must include a description of the applicant's proposed casino and the following information:

(1) The proposed location of the casino.

(2) The expected economic benefit to local communities.

(3) The anticipated or actual number of employees.

(4) Any statements from the applicant concerning compliance with federal and state affirmative action guidelines.

(5) Anticipated admissions.

(6) Anticipated adjusted gross gaming receipts.

SECTION 19. IC 4-33-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The commission may issue to a person a license to own a riverboat **or a casino** subject to the numerical and geographical limitation of owner's licenses under this section, section 3.5 of this chapter, and IC 4-33-4-17. However, not more than ~~ten (10)~~ **eleven (11)** owner's licenses may be in effect at any time. Except as provided in subsection (b), those ~~ten (10)~~ **eleven (11)** licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from the largest city located in the counties described under IC 4-33-1-1(1).

(2) One (1) license for a riverboat that operates from the second largest city located in the counties described under IC 4-33-1-1(1).

(3) One (1) license for a riverboat that operates from the third largest city located in the counties described under IC 4-33-1-1(1).

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city

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described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from counties described under IC 4-33-1-1(2). The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in IC 4-33-1-1(2).

(6) One (1) license for a casino in a county containing a consolidated city.

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

- (1) does not already have a riverboat operating from the city; and
- (2) is located in a county described in IC 4-33-1-1(1).

(c) In addition to its power to issue owner's licenses under subsection (a), the commission may also enter into a contract under IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf of the commission in a historic hotel district.

SECTION 20. IC 4-33-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person applying for an owner's license under this chapter must pay a nonrefundable application fee to the commission. The commission shall determine the amount of the application fee.

(b) An applicant must submit the following on forms provided by the commission:

- (1) If the applicant is an individual, two (2) sets of the individual's fingerprints.
- (2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) The commission shall review the applications for an owner's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the owner's license.

(d) The costs of investigating an applicant for an owner's license under this chapter shall be paid from the application fee paid by the applicant.

(e) An applicant for an owner's license under this chapter must pay all additional costs that are:

- (1) associated with the investigation of the applicant; and
- (2) greater than the amount of the application fee paid by the applicant.

(f) In addition to any other requirement of this article, an

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applicant for an owner's license to operate a casino in Marion County must submit a proposal under IC 4-33-6.7.

SECTION 21. IC 4-33-6-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.5. (a) For purposes of this section, a person is considered to have an ownership interest in **a riverboat** an owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person.

(b) A person may have up to a one hundred percent (100%) ownership interest in not more than two (2) **riverboat owner's** licenses issued under this chapter.

(c) A person may not have an ownership interest in more than two (2) **riverboat owner's** licenses issued under this chapter.

(d) This section may not be construed to increase the maximum number of licenses permitted under section 1 of this chapter or the number of riverboats **and casinos** that may be owned and operated under a license under section 10 of this chapter.

SECTION 22. IC 4-33-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) In determining whether to grant an owner's license to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

(2) The facilities or proposed facilities for the conduct of **riverboat gambling operations.**

(3) The highest prospective total revenue to be collected by the state from the conduct of **riverboat gambling operations.**

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) If the applicant has adequate capitalization to provide and maintain a riverboat **or a casino** for the duration of the license.

(7) The extent to which the applicant exceeds or meets other standards adopted by the commission.

(b) In an application for **an owner's a license to own and operate a riverboat**, the applicant must submit to the commission a proposed

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1 design of the riverboat and the dock. The commission may not grant a
 2 license to an applicant if the commission determines that it will be
 3 difficult or unlikely for the riverboat to depart from the dock.

4 **(c) In an application for a license to own and operate a casino in**
 5 **a county containing a consolidated city, the applicant must submit**
 6 **to the commission a proposed design of the casino.**

7 SECTION 23. IC 4-33-6-5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. In an application for
 9 ~~an owner's~~ a license to own and operate a riverboat, the applicant
 10 must state the dock at which the riverboat is based and the navigable
 11 waterway on which the riverboat will operate.

12 SECTION 24. IC 4-33-6-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A licensed owner
 14 must post a bond with the commission at least sixty (60) days before
 15 the commencement of gambling ~~on the riverboat~~ operations.

16 (b) The bond shall be furnished in:

- 17 (1) cash or negotiable securities;
- 18 (2) a surety bond:

19 (A) with a surety company approved by the commission; and

20 (B) guaranteed by a satisfactory guarantor; or

- 21 (3) an irrevocable letter of credit issued by a banking institution
- 22 of Indiana acceptable to the commission.

23 (c) If a bond is furnished in cash or negotiable securities, the
 24 principal shall be placed without restriction at the disposal of the
 25 commission, but income inures to the benefit of the licensee.

26 (d) The bond:

- 27 (1) is subject to the approval of the commission;
- 28 (2) must be in an amount that the commission determines will
- 29 adequately reflect the amount that a local community will expend
- 30 for infrastructure and other facilities associated with a riverboat
- 31 gambling operation; and
- 32 (3) must be payable to the commission as obligee for use in
- 33 payment of the licensed owner's financial obligations to the local
- 34 community, the state, and other aggrieved parties, as determined
- 35 by the rules of the commission.

36 (e) If after a hearing (after at least five (5) days written notice) the
 37 commission determines that the amount of a licensed owner's bond is
 38 insufficient, the licensed owner shall upon written demand of the
 39 commission file a new bond.

40 (f) The commission may require a licensed owner to file a new bond
 41 with a satisfactory surety in the same form and amount if:

- 42 (1) liability on the old bond is discharged or reduced by judgment

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rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit ~~from which the riverboat operated.~~ **in which the licensed owner's gambling operation was conducted.**

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 25. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate **either:**

(1) one (1) riverboat and equipment; or

(2) one (1) casino and equipment;

for each license.

(b) **This subsection does not apply to the holder of a license to own a casino.** The holder of an owner's license issued under this chapter may implement flexible scheduling for the operation of the holder's riverboat under section 21 of this chapter.

(c) **This subsection does not apply to the holder of a license to own a casino.** An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However,

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the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

(d) An owner's initial license expires five (5) years after the effective date of the license.

SECTION 26. IC 4-33-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. A licensed owner may apply to the commission for and may hold licenses that are necessary for the operation of a riverboat **or a casino**, including the following:

(1) A license to prepare and serve food for human consumption.

(2) Any other necessary license.

SECTION 27. IC 4-33-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. All state excise taxes, use taxes, and gross retail taxes apply to sales on a riverboat **or in a casino**.

SECTION 28. IC 4-33-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A license to operate an excursion gaming boat **or a casino**:

(1) is a revocable privilege granted by the state; and

(2) is not a property right.

SECTION 29. IC 4-33-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) This subsection applies to cities described in section 1(a)(1) through 1(a)(4) or section 1(b) of this chapter. The commission may not issue a license authorizing a riverboat to dock in a city unless the legislative body of the city has approved an ordinance permitting the docking of riverboats in the city.

(b) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the legislative body of the largest city in the county. The license must specify that the home dock of the riverboat is to be located in the largest city in the county.

(c) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is not contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

(d) This subsection applies to a county in which a historic hotel

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district is located. The commission may not enter into a contract under IC 4-33-6.5 for the operation of a riverboat in the county unless an ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

(e) This subsection applies only to a county containing a consolidated city. The commission may not issue a license authorizing a casino in the county unless an ordinance permitting casino gambling in the county has been adopted by the county fiscal body.

SECTION 30. IC 4-33-6-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19.5. (a) This section applies only to a county containing a consolidated city.**

(b) Notwithstanding any other provision of this article, the commission may not issue a license under this article to allow a casino to operate in the county unless the voters of the county have approved the conducting of gambling games in a casino in the county.

(c) If the operation of a casino in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning casino gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next primary or general election:

"Shall casino gambling be permitted in ____ (insert name of county) County?"

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting casino gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject casino gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the

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1 **previous public question was placed on the ballot.**

2 SECTION 31. IC 4-33-6-21 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) A licensed
4 owner **of a riverboat** may submit a plan for flexible scheduling to the
5 commission by a date designated by the commission. Upon receipt of
6 an appropriate plan, the commission shall authorize flexible scheduling
7 and the licensed owner shall implement the flexible scheduling plan by
8 the date designated by the commission.

9 (b) A licensed owner that:

10 (1) submits a plan for flexible scheduling to the commission may
11 include provisions; or

12 (2) has implemented a flexible scheduling plan may amend the
13 plan to include provisions;

14 to conduct gambling operations for up to twenty-four (24) hours a day.
15 Upon receipt of a plan or an amendment to a plan concerning operating
16 hours, the commission shall authorize the licensed owner to implement
17 the plan or amendment for the days and hours specified in the plan or
18 amendment. The licensed owner shall implement the provisions related
19 to operating days and hours by the date designated by the commission.
20 If the licensed owner fails or ceases to operate in accordance with the
21 authorized provisions concerning operating days and hours, the
22 commission may rescind the authorization.

23 SECTION 32. IC 4-33-6.7 IS ADDED TO THE INDIANA CODE
24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2007]:

26 **Chapter 6.7. Request for Proposals for an Owner's License for**
27 **Marion County**

28 **Sec. 1. This chapter applies only to a license issued to operate a**
29 **casino in Marion County.**

30 **Sec. 2. As used in this chapter, "bid amount" is the amount**
31 **specified in a proposal that the person making the proposal offers**
32 **to pay to the commission for the privilege of obtaining an owner's**
33 **license.**

34 **Sec. 3. The commission shall solicit proposals through a request**
35 **for proposals, which must include the following:**

36 (1) **The factors or criteria that will be used in evaluating the**
37 **proposals.**

38 (2) **A statement concerning the relative importance of a**
39 **person's bid amount and the other evaluation factors.**

40 (3) **A statement concerning whether the proposal must be**
41 **accompanied by a bond, a certified check, or other evidence**
42 **of financial responsibility, which may be imposed in**

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accordance with rules of the commission.

(4) A statement concerning whether discussions may be conducted with responsible persons who submit proposals determined to be reasonably susceptible of being selected for award.

Sec. 4. (a) The commission shall give public notice of the request for proposals in the manner required by IC 5-3-1.

(b) The commission shall also provide electronic access to the notice through the computer gateway administered by the office of technology.

Sec. 5. Proposals must be opened so as to avoid disclosure of contents to competing persons during the process of negotiation.

Sec. 6. (a) A register of proposals must be:

- (1) prepared; and
- (2) open for public inspection;

after an owner's license is awarded under this article.

(b) The register of proposals must contain the following:

- (1) A copy of the request for proposals.
- (2) A list of all persons to whom copies of the request for proposals were given.
- (3) A list of all proposals received, which must include all of the following:
 - (A) The names and addresses of all persons submitting a proposal under this chapter.
 - (B) The bid amount of each proposal.
 - (C) The name of the person awarded an owner's license and the bid amount of that person's proposal.
- (4) The basis on which the award was made.
- (5) The entire contents of the contract file except for proprietary information included with a proposal, such as trade secrets and financial information, that was not required to be made available for public inspection by the terms of the request for proposals.

Sec. 7. As provided in the request for proposals or under the rules or policies of the commission, discussions may be conducted with, and best and final proposals obtained from, responsible persons who submit proposals determined to be reasonably susceptible of being selected for award.

Sec. 8. Award shall be made to the responsible person whose proposal is determined in writing to be the most advantageous to:

- (1) the citizens of Indiana;
- (2) Marion County; and

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1 (3) the integrity of the casino and riverboat gaming industry
2 in Indiana;

3 taking into consideration the responsible person's bid amount and
4 the other evaluation factors set forth in the request for proposals.

5 Sec. 9. (a) Persons submitting proposals under this chapter must
6 be accorded fair and equal treatment with respect to any
7 opportunity for discussion and revisions of proposals.

8 (b) In conducting discussions with a person who submits a
9 proposal, information derived from competing proposals may not
10 be disclosed.

11 Sec. 10. The only factors or criteria that may be used in the
12 evaluation of proposals are those specified in the request for
13 proposals.

14 Sec. 11. (a) When an owner's license is awarded to an applicant
15 who submits a proposal under this chapter, the person shall pay
16 the bid amount specified in the person's final proposal to the
17 commission.

18 (b) The bid amount charged to the person is in addition to all
19 other fees imposed under this article.

20 (c) The commission shall do the following with the money paid
21 under this section:

22 (1) Transfer one percent (1%) to the division of mental health
23 and addiction. The division shall allocate at least twenty-five
24 percent (25%) of the funds derived from the amount of the
25 bid amount transferred under this subdivision to the
26 prevention and treatment of compulsive gambling.

27 (2) Distribute the remaining amount to the boards of the
28 regional transportation authorities established under
29 IC 36-9-3 before July 1, 2007, according to the ratio the
30 number of persons served by each authority bears to the total
31 number of persons served by a regional transportation
32 authority in Indiana. Distributions under this subdivision
33 must be used to fund regional public transportation
34 initiatives.

35 SECTION 33. IC 4-33-7-2 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person holding
37 a supplier's license may sell, lease, and contract to sell or lease
38 gambling equipment and supplies to a licensee or an operating agent
39 involved in the ownership or management of riverboat gambling
40 operations.

41 (b) Gambling supplies and equipment may not be distributed unless
42 the gambling supplies and equipment conform to standards adopted by

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the commission.

SECTION 34. IC 4-33-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Except as provided in subsection (b), a person may not furnish any equipment, devices, or supplies to a ~~riverboat~~ gambling operation unless the person possesses a supplier's license.

(b) A person holding a valid permit under IC 7.1 to deal in alcoholic beverages may supply alcoholic beverages to a ~~riverboat~~ gambling operation without possessing a supplier's license. A person authorized to supply alcoholic beverages under this subsection must comply with IC 7.1.

SECTION 35. IC 4-33-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A supplier shall furnish to the commission a list of all equipment, devices, and supplies offered for sale or lease in connection with gambling games authorized under this article.

(b) A supplier shall keep books and records for the furnishing of equipment, devices, and supplies to gambling operations separate from books and records of any other business operated by the supplier.

(c) A supplier shall file a quarterly return with the commission listing all sales and leases.

(d) A supplier shall permanently affix the supplier's name to all of the supplier's equipment, devices, and supplies for ~~riverboat~~ gambling operations.

SECTION 36. IC 4-33-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. Gambling equipment, devices, and supplies that are provided by a supplier may be:

(1) repaired on a riverboat **or in a casino**; or

(2) removed for repair from the riverboat **or the casino** to a facility owned by a licensed owner or an operating agent.

SECTION 37. IC 4-33-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The commission shall determine the occupations related to ~~riverboat~~ gambling **operations** that require a license under this chapter.

SECTION 38. IC 4-33-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The commission may issue an occupational license to an individual if:

(1) the individual has applied for the occupational license;

(2) a nonrefundable application fee set by the commission has been paid on behalf of the applicant in accordance with subsection (b);

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(3) the commission has determined that the applicant is eligible for an occupational license; and

(4) an annual license fee in an amount established by the commission has been paid on behalf of the applicant in accordance with subsection (b).

(b) A licensed owner, an applicant for ~~a riverboat~~ an owner's license, an operating agent, an applicant for an operating agent contract, or a holder of a supplier's license shall pay the application fee of an individual applying for an occupational license to work:

(1) at the licensed owner's or operating agent's ~~riverboat~~ gambling operation; or

(2) for the holder of a supplier's license.

The licensed owner, applicant for ~~a riverboat~~ an owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license shall pay the annual occupational license fee on behalf of an employee or potential employee. The licensed owner, applicant for ~~a riverboat~~ an owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license may seek reimbursement of the application fee or annual license fee from an employee who is issued an occupational license.

(c) A license issued under this chapter is valid for one (1) year after the date of issuance.

(d) Unless an occupational license is suspended, expires, or is revoked, the occupational license may be renewed annually upon:

(1) the payment of an annual license fee by the licensed owner, operating agent, or holder of a supplier's license on behalf of the licensee in an amount established by the commission; and

(2) a determination by the commission that the licensee is in compliance with this article.

(e) The commission may investigate the holder of an occupational license at any time the commission determines it is necessary to ensure that the licensee is in compliance with this article.

(f) A licensed owner, an applicant for ~~a riverboat~~ an owner's license, an operating agent, an applicant for an operating agent contract, or a holder of a supplier's license shall pay the cost of an investigation or reinvestigation of a holder of an occupational license who is employed by the licensed owner, operating agent, or licensed supplier. The licensed owner, applicant for ~~a riverboat~~ an owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license may seek reimbursement of the cost of an investigation or reinvestigation from an employee who holds an occupational license.

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SECTION 39. IC 4-33-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Except as provided by section 11 of this chapter, the commission may not issue an occupational license to an individual unless the individual:

- (1) is at least eighteen (18) years of age;
- (2) has not been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;
- (3) has demonstrated a level of skill or knowledge that the commission determines is necessary to operate gambling games; ~~on a riverboat~~; and
- (4) has met standards adopted by the commission for the holding of an occupational license.

SECTION 40. IC 4-33-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall adopt rules under IC 4-22-2 providing the following:

- (1) That an individual applying for an occupational license to manage ~~riverboat~~ gambling operations under this article is subject to background inquiries and requirements similar to those required for an applicant for an owner's license under IC 4-33-6.
- (2) That each individual applying for an occupational license may manage gambling operations for only one (1) licensed owner or operating agent.

SECTION 41. IC 4-33-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Training provided for occupational licensees may be conducted:

- (1) on a riverboat;
- (2) at a casino; or**
- ~~(2) (3)~~ **(3)** at a school with which a licensed owner or an operating agent has entered into an agreement under section 9 of this chapter.

SECTION 42. IC 4-33-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Gambling may be conducted by licensed owners or an operating agent on riverboats **or at a casino.**

SECTION 43. IC 4-33-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) This section does not apply to:

- (1) a riverboat that has implemented flexible scheduling under IC 4-33-6-21; **or**
- (2) a casino.**

(b) Except as provided in subsections (c) and (d), gambling may not be conducted while a riverboat is docked.

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(c) If the master of the riverboat reasonably determines and certifies in writing that:

(1) specific weather conditions, water conditions, or traffic conditions present a danger to the riverboat and the riverboat's passengers and crew;

(2) either the vessel or the docking facility is undergoing mechanical or structural repair;

(3) water traffic conditions present a danger to:

(A) the riverboat, riverboat passengers, and crew; or

(B) other vessels on the water; or

(4) the master has been notified that a condition exists that would cause a violation of federal law if the riverboat were to cruise; the riverboat may remain docked and gaming may take place until the master determines that the conditions have sufficiently diminished or been corrected for the riverboat to safely proceed or the duration of the authorized excursion has expired.

(d) The commission shall by rule permit gambling to be conducted for periods of not more than thirty (30) minutes during passenger embarkation and not more than thirty (30) minutes during passenger disembarkation.

SECTION 44. IC 4-33-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **(a)** The following may board and inspect a riverboat at any time to determine if this article is being violated:

(1) Employees of the commission.

(2) Officers of the state police department.

(3) Conservation officers of the department of natural resources.

(b) The following may enter and inspect a casino at any time to determine if this article is being violated:

(1) Employees of the commission.

(2) Officers of the state police department.

SECTION 45. IC 4-33-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a)** Employees of the commission and conservation officers of the department of natural resources have the right to be present on a riverboat or adjacent facilities under the control of a person who has been issued an owner's license or operating agent contract.

(b) Employees of the commission and officers of the state police department have the right to be present in a casino or adjacent facilities under the control of a person who has been issued an owner's license to operate the casino.

SECTION 46. IC 4-33-9-8 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. Gambling equipment
 2 and supplies customarily used in conducting riverboat **or casino**
 3 gambling may be purchased or leased only from suppliers licensed
 4 under this article.

5 SECTION 47. IC 4-33-9-10 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. Wagers may be
 7 received only from a person present on a riverboat **or in a casino**. A
 8 person present on a riverboat **or in a casino** may not place or attempt
 9 to place a wager on behalf of another person who is not present on the
 10 riverboat **or in the casino**.

11 SECTION 48. IC 4-33-9-12 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) Except as
 13 provided in subsection (b), a person who is less than twenty-one (21)
 14 years of age may not be present in the area of a riverboat **or casino**
 15 where gambling is being conducted.

16 (b) A person who is at least eighteen (18) years of age and who is an
 17 employee of the ~~riverboat~~ gambling operation may be present in the
 18 area of the riverboat **or casino** where gambling is conducted. However,
 19 an employee who is less than twenty-one (21) years of age may not
 20 perform any function involving gambling by the patrons.

21 SECTION 49. IC 4-33-9-15 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) All tokens,
 23 chips, or electronic cards that are used to make wagers **on a riverboat**
 24 must be purchased from the owner or operating agent of the riverboat:

25 (1) while on board the riverboat; or

26 (2) at an on-shore facility that:

27 (A) has been approved by the commission; and

28 (B) is located where the riverboat docks.

29 **(b) All tokens, chips, or electronic cards that are used to make**
 30 **wagers in a casino must be purchased from the owner of the casino**
 31 **while present in the casino.**

32 ~~(b)~~ (c) The tokens, chips, or electronic cards may be purchased by
 33 means of an agreement under which the owner or operating agent
 34 extends credit to the patron.

35 SECTION 50. IC 4-33-9-16 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. Tokens, chips, or
 37 electronic cards may be used while aboard the riverboat **or present in**
 38 **the casino** only for the purpose of making wagers on gambling games.

39 SECTION 51. IC 4-33-10-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A person who
 41 knowingly or intentionally:

42 (1) makes a false statement on an application submitted under this

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article;

(2) operates a gambling operation or a cruise in which wagering is conducted or is to be conducted in a manner other than the manner required under this article;

(3) permits a person less than twenty-one (21) years of age to make a wager;

(4) aids, induces, or causes a person less than twenty-one (21) years of age who is not an employee of the ~~riverboat~~ gambling operation to enter or attempt to enter a ~~riverboat~~; **gambling operation;**

(5) wagers or accepts a wager **on a gambling game** at a location other than a riverboat **or a casino;** or

(6) makes a false statement on an application submitted to the commission under this article;

commits a Class A misdemeanor.

(b) A person who:

(1) is not an employee of the ~~riverboat~~ gambling operation;

(2) is less than twenty-one (21) years of age; and

(3) knowingly or intentionally enters or attempts to enter a ~~riverboat~~; **the gambling operation;**

commits a Class A misdemeanor.

SECTION 52. IC 4-33-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who knowingly or intentionally does any of the following commits a Class D felony:

(1) Offers, promises, or gives anything of value or benefit:

(A) to a person who is connected with ~~the~~ **a licensed** owner or **an** operating agent, ~~of a riverboat~~, including an officer or an employee of a ~~riverboat~~ **licensed** owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(2) Solicits, accepts, or receives a promise of anything of value or benefit:

(A) while the person is connected with a riverboat **or a casino**, including an officer or employee of a licensed owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to

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- 1 influence:
- 2 (i) the actions of the person to affect or attempt to affect the
- 3 outcome of a gambling game; or
- 4 (ii) an official action of a commission member.
- 5 (3) Uses or possesses with the intent to use a device to assist in:
- 6 (A) projecting the outcome of the game;
- 7 (B) keeping track of the cards played;
- 8 (C) analyzing the probability of the occurrence of an event
- 9 relating to the gambling game; or
- 10 (D) analyzing the strategy for playing or betting to be used in
- 11 the game, except as permitted by the commission.
- 12 (4) Cheats at a gambling game.
- 13 (5) Manufactures, sells, or distributes any cards, chips, dice,
- 14 game, or device that is intended to be used to violate this article.
- 15 (6) Alters or misrepresents the outcome of a gambling game on
- 16 which wagers have been made after the outcome is made sure but
- 17 before the outcome is revealed to the players.
- 18 (7) Places a bet on the outcome of a gambling game after
- 19 acquiring knowledge that:
- 20 (A) is not available to all players; and
- 21 (B) concerns the outcome of the gambling game that is the
- 22 subject of the bet.
- 23 (8) Aids a person in acquiring the knowledge described in
- 24 subdivision (7) for the purpose of placing a bet contingent on the
- 25 outcome of a gambling game.
- 26 (9) Claims, collects, takes, or attempts to claim, collect, or take
- 27 money or anything of value in or from a gambling game:
- 28 (A) with the intent to defraud; or
- 29 (B) without having made a wager contingent on winning a
- 30 gambling game.
- 31 (10) Claims, collects, or takes an amount of money or thing of
- 32 value of greater value than the amount won in a gambling game.
- 33 (11) Uses or possesses counterfeit chips or tokens in or for use in
- 34 a gambling game.
- 35 (12) Possesses a key or device designed for:
- 36 (A) opening, entering, or affecting the operation of a gambling
- 37 game, drop box, or an electronic or a mechanical device
- 38 connected with the gambling game; or
- 39 (B) removing coins, tokens, chips, or other contents of a
- 40 gambling game.
- 41 This subdivision does not apply to a licensee or an operating
- 42 agent or an employee of a licensee or an operating agent acting in

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the course of the employee's employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

SECTION 53. IC 4-33-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who is convicted of a felony described in this chapter is barred for life from entering a riverboat **or a casino** regulated under this article.

SECTION 54. IC 4-33-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. An appeal of a final rule or order of the commission may be commenced under IC 4-21.5 in the circuit court of the county containing:

(1) the dock where the riverboat **subject to the rule or order** is based; **or**

(2) the casino;

whichever is appropriate under the circumstances.

SECTION 55. IC 4-33-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The commission may:

(1) suspend ~~a~~ **an owner's** license; ~~issued to the owner of a riverboat;~~ or

(2) require an operating agent to suspend operations; without notice or hearing if the commission determines that the safety or health of patrons or employees would be threatened by the continued operation of the ~~riverboat~~ **person's gambling operation.**

(b) The suspension of an owner's license or an operating agent's operations under this section may remain in effect until the commission determines that the cause for suspension has been abated. The commission may revoke the license if the commission determines that the owner or operating agent has not made satisfactory progress toward abating the hazard.

SECTION 56. IC 4-33-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This subsection does not apply to:

(1) a riverboat that has implemented flexible scheduling under IC 4-33-6-21; **or**

(2) **a casino.**

A tax is imposed on admissions to gambling excursions authorized under this article at a rate of three dollars (\$3) for each person admitted to the gambling excursion. This admission tax is imposed upon the licensed owner conducting the gambling excursion.

(b) This subsection applies only to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5. A tax is

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imposed on the admissions to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5 at the following rate:

(1) Four dollars (\$4) for each person admitted to a riverboat that docks in a county described in IC 4-33-1-1(3). This admission tax is imposed upon the operating agent of the riverboat.

(2) Three dollars (\$3) for each person admitted to a riverboat that docks in any other county. This admission tax is imposed upon the licensed owner operating the riverboat.

(c) This subsection applies only to a casino. A tax is imposed on the admissions to a casino at a rate of three dollars (\$3) for each person admitted to the casino. This admission tax is imposed upon the licensed owner operating the casino.

SECTION 57. IC 4-33-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) This section does not apply to:

(1) a riverboat that has implemented flexible scheduling under IC 4-33-6-21; or

(2) a casino.

(b) If tickets are issued that may be used for admission to more than one (1) gambling excursion, the admission tax must be paid for each person using the ticket on each gambling excursion for which the ticket is used.

(c) If free passes or complimentary admission tickets are issued, a person who has been issued an owner's license shall pay the same tax on the passes or complimentary tickets as if the passes or tickets were sold at the regular admission rate.

SECTION 58. IC 4-33-12-6, AS AMENDED BY P.L.4-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsections (c), ~~and~~ (d), **and (l)** and IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); or

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- 1 (ii) is contiguous to the Ohio River and is the largest city in
 2 the county; and
 3 (B) the county in which the riverboat is docked, if the
 4 riverboat is not docked in a city described in clause (A).
 5 (2) Except as provided in subsection (k), one dollar (\$1) of the
 6 admissions tax collected by the licensed owner for each person:
 7 (A) embarking on a gambling excursion during the quarter; or
 8 (B) admitted to a riverboat during the quarter that has
 9 implemented flexible scheduling under IC 4-33-6-21;
 10 shall be paid to the county in which the riverboat is docked. In the
 11 case of a county described in subdivision (1)(B), this one dollar
 12 (\$1) is in addition to the one dollar (\$1) received under
 13 subdivision (1)(B).
 14 (3) Except as provided in subsection (k), ten cents (\$0.10) of the
 15 admissions tax collected by the licensed owner for each person:
 16 (A) embarking on a gambling excursion during the quarter; or
 17 (B) admitted to a riverboat during the quarter that has
 18 implemented flexible scheduling under IC 4-33-6-21;
 19 shall be paid to the county convention and visitors bureau or
 20 promotion fund for the county in which the riverboat is docked.
 21 (4) Except as provided in subsection (k), fifteen cents (\$0.15) of
 22 the admissions tax collected by the licensed owner for each
 23 person:
 24 (A) embarking on a gambling excursion during the quarter; or
 25 (B) admitted to a riverboat during a quarter that has
 26 implemented flexible scheduling under IC 4-33-6-21;
 27 shall be paid to the state fair commission, for use in any activity
 28 that the commission is authorized to carry out under IC 15-1.5-3.
 29 (5) Except as provided in subsection (k), ten cents (\$0.10) of the
 30 admissions tax collected by the licensed owner for each person:
 31 (A) embarking on a gambling excursion during the quarter; or
 32 (B) admitted to a riverboat during the quarter that has
 33 implemented flexible scheduling under IC 4-33-6-21;
 34 shall be paid to the division of mental health and addiction. The
 35 division shall allocate at least twenty-five percent (25%) of the
 36 funds derived from the admissions tax to the prevention and
 37 treatment of compulsive gambling.
 38 (6) Except as provided in subsection (k), sixty-five cents (\$0.65)
 39 of the admissions tax collected by the licensed owner for each
 40 person embarking on a gambling excursion during the quarter or
 41 admitted to a riverboat during the quarter that has implemented
 42 flexible scheduling under IC 4-33-6-21 shall be paid to the

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Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following amounts:

(1) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where

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the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(2) Sixteen percent (16%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

- (A) is located in the county in which the riverboat docks; and
- (B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

(3) Nine percent (9%) of the admissions tax collected during the quarter shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(5) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

- (A) Job creation and retention.
- (B) Infrastructure, including water, wastewater, and storm water infrastructure needs.
- (C) Housing.

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- 1 (D) Workforce training.
- 2 (E) Health care.
- 3 (F) Local planning.
- 4 (G) Land use.
- 5 (H) Assistance to regional economic development groups.
- 6 (I) Other regional development issues as determined by the
- 7 Indiana economic development corporation.
- 8 (d) With respect to tax revenue collected from a riverboat that
- 9 operates from a county having a population of more than four hundred
- 10 thousand (400,000) but less than seven hundred thousand (700,000),
- 11 the treasurer of state shall quarterly pay the following amounts:
- 12 (1) Except as provided in subsection (k), one dollar (\$1) of the
- 13 admissions tax collected by the licensed owner for each person:
- 14 (A) embarking on a gambling excursion during the quarter; or
- 15 (B) admitted to a riverboat during the quarter that has
- 16 implemented flexible scheduling under IC 4-33-6-21;
- 17 shall be paid to the city in which the riverboat is docked.
- 18 (2) Except as provided in subsection (k), one dollar (\$1) of the
- 19 admissions tax collected by the licensed owner for each person:
- 20 (A) embarking on a gambling excursion during the quarter; or
- 21 (B) admitted to a riverboat during the quarter that has
- 22 implemented flexible scheduling under IC 4-33-6-21;
- 23 shall be paid to the county in which the riverboat is docked.
- 24 (3) Except as provided in subsection (k), nine cents (\$0.09) of the
- 25 admissions tax collected by the licensed owner for each person:
- 26 (A) embarking on a gambling excursion during the quarter; or
- 27 (B) admitted to a riverboat during the quarter that has
- 28 implemented flexible scheduling under IC 4-33-6-21;
- 29 shall be paid to the county convention and visitors bureau or
- 30 promotion fund for the county in which the riverboat is docked.
- 31 (4) Except as provided in subsection (k), one cent (\$0.01) of the
- 32 admissions tax collected by the licensed owner for each person:
- 33 (A) embarking on a gambling excursion during the quarter; or
- 34 (B) admitted to a riverboat during the quarter that has
- 35 implemented flexible scheduling under IC 4-33-6-21;
- 36 shall be paid to the northwest Indiana law enforcement training
- 37 center.
- 38 (5) Except as provided in subsection (k), fifteen cents (\$0.15) of
- 39 the admissions tax collected by the licensed owner for each
- 40 person:
- 41 (A) embarking on a gambling excursion during the quarter; or
- 42 (B) admitted to a riverboat during a quarter that has

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implemented flexible scheduling under IC 4-33-6-21;
shall be paid to the state fair commission for use in any activity
that the commission is authorized to carry out under IC 15-1.5-3.

(6) Except as provided in subsection (k), ten cents (\$0.10) of the
admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has
implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The
division shall allocate at least twenty-five percent (25%) of the
funds derived from the admissions tax to the prevention and
treatment of compulsive gambling.

(7) Except as provided in subsection (k), sixty-five cents (\$0.65)
of the admissions tax collected by the licensed owner for each
person embarking on a gambling excursion during the quarter or
admitted to a riverboat during the quarter that has implemented
flexible scheduling under IC 4-33-6-21 shall be paid to the
Indiana horse racing commission to be distributed as follows, in
amounts determined by the Indiana horse racing commission, for
the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established
by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse
racing commission under IC 4-31. The commission may make
a grant under this clause only for purses, promotions, and
routine operations of the racetrack. No grants shall be made
for long term capital investment or construction, and no grants
shall be made before the racetrack becomes operational and is
offering a racing schedule.

(e) Money paid to a unit of local government under subsection
(b)(1) through (b)(2), (c)(1) through (c)(2), or (d)(1) through (d)(2):

(1) must be paid to the fiscal officer of the unit and may be
deposited in the unit's general fund or riverboat fund established
under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under
IC 6-1.1-18.5 but may be used at the discretion of the unit to
reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit,
including the pledge of money to bonds, leases, or other
obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or

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(d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection (b).

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through (d)(7).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) This subsection applies to an entity receiving money under subsection (d)(3) or (d)(4). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (d)(3). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in

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subsection (d)(4). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(j) This subsection does not apply to an entity receiving money under subsection (c) **or (I)**. For state fiscal years beginning after June 30, 2002, the total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (h) or (i). If the treasurer of state determines that the total amount of money distributed to an entity under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5(g).

(k) This subsection does not apply to an entity receiving money under subsection (c) **or (I)**. For state fiscal years beginning after June 30, 2002, the treasurer of state shall pay that part of the riverboat admissions taxes that:

- (1) exceed a particular entity's base year revenue; and
- (2) would otherwise be due to the entity under this section; to the property tax replacement fund instead of to the entity.

(I) This subsection applies only to admissions taxes collected at a casino. The treasurer of state shall quarterly pay the taxes remitted by the licensed owner as follows:

(1) One percent (1%) to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(2) The remaining amount to the boards of the regional transportation authorities established under IC 36-9-3 before the end of the preceding state fiscal year according to the ratio the number of persons served by each authority bears to the total number of persons served by a regional transportation authority in Indiana. Distributions under this subdivision must be used to fund regional public transportation initiatives.

SECTION 59. IC 4-33-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This section does not apply to:

- (1) a riverboat that has implemented flexible scheduling under IC 4-33-6-21; or**
- (2) a casino.**

(b) Subject to section 1.5(h) of this chapter, a tax is imposed on the adjusted gross receipts received from gambling games authorized under

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1 this article at the rate of twenty-two and five-tenths percent (22.5%) of
2 the amount of the adjusted gross receipts.

3 (c) The licensed owner shall remit the tax imposed by this chapter
4 to the department before the close of the business day following the day
5 the wagers are made.

6 (d) The department may require payment under this section to be
7 made by electronic funds transfer (as defined in ~~IC 4-8.1-2-7(c)~~;
8 **IC 4-8.1-2-7(f)**).

9 (e) If the department requires taxes to be remitted under this chapter
10 through electronic funds transfer, the department may allow the
11 licensed owner to file a monthly report to reconcile the amounts
12 remitted to the department.

13 (f) The department may allow taxes remitted under this section to
14 be reported on the same form used for taxes paid under IC 4-33-12.

15 SECTION 60. IC 4-33-13-1.5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) This section
17 applies only to **the following**:

18 (1) A riverboat that has implemented flexible scheduling under
19 IC 4-33-6-21 or IC 4-33-6.5.

20 (2) **A casino.**

21 (b) A graduated tax is imposed on the adjusted gross receipts
22 received from gambling games authorized under this article as follows:

23 (1) Fifteen percent (15%) of the first twenty-five million dollars
24 (\$25,000,000) of adjusted gross receipts received during the
25 period beginning July 1 of each year and ending June 30 of the
26 following year.

27 (2) Twenty percent (20%) of the adjusted gross receipts in excess
28 of twenty-five million dollars (\$25,000,000) but not exceeding
29 fifty million dollars (\$50,000,000) received during the period
30 beginning July 1 of each year and ending June 30 of the following
31 year.

32 (3) Twenty-five percent (25%) of the adjusted gross receipts in
33 excess of fifty million dollars (\$50,000,000) but not exceeding
34 seventy-five million dollars (\$75,000,000) received during the
35 period beginning July 1 of each year and ending June 30 of the
36 following year.

37 (4) Thirty percent (30%) of the adjusted gross receipts in excess
38 of seventy-five million dollars (\$75,000,000) but not exceeding
39 one hundred fifty million dollars (\$150,000,000) received during
40 the period beginning July 1 of each year and ending June 30 of
41 the following year.

42 (5) Thirty-five percent (35%) of all adjusted gross receipts in

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1 excess of one hundred fifty million dollars (\$150,000,000).

2 (c) The licensed owner or operating agent shall remit the tax
3 imposed by this chapter to the department before the close of the
4 business day following the day the wagers are made.

5 (d) The department may require payment under this section to be
6 made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

7 (e) If the department requires taxes to be remitted under this chapter
8 through electronic funds transfer, the department may allow the
9 licensed owner or operating agent to file a monthly report to reconcile
10 the amounts remitted to the department.

11 (f) The department may allow taxes remitted under this section to
12 be reported on the same form used for taxes paid under IC 4-33-12.

13 (g) If a riverboat implements flexible scheduling during any part of
14 a period beginning July 1 of each year and ending June 30 of the
15 following year, the tax rate imposed on the adjusted gross receipts
16 received while the riverboat implements flexible scheduling shall be
17 computed as if the riverboat had engaged in flexible scheduling during
18 the entire period beginning July 1 of each year and ending June 30 of
19 the following year.

20 (h) If a riverboat:

21 (1) implements flexible scheduling during any part of a period
22 beginning July 1 of each year and ending June 30 of the following
23 year; and

24 (2) before the end of that period ceases to operate the riverboat
25 with flexible scheduling;

26 the riverboat shall continue to pay a wagering tax at the tax rates
27 imposed under subsection (b) until the end of that period as if the
28 riverboat had not ceased to conduct flexible scheduling.

29 SECTION 61. IC 4-33-13-5, AS AMENDED BY P.L.91-2006,
30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2007]: Sec. 5. (a) This subsection does not apply to tax
32 revenue remitted by an operating agent operating a riverboat in a
33 historic hotel district **or by a licensed owner operating a casino**. After
34 funds are appropriated under section 4 of this chapter, each month the
35 treasurer of state shall distribute the tax revenue deposited in the state
36 gaming fund under this chapter to the following:

37 (1) The first thirty-three million dollars (\$33,000,000) of tax
38 revenues collected under this chapter shall be set aside for
39 revenue sharing under subsection (e).

40 (2) Subject to subsection (c), twenty-five percent (25%) of the
41 remaining tax revenue remitted by each licensed owner shall be
42 paid:

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(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the property tax replacement fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the property tax replacement fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(2) Thirty-seven and one-half percent (37.5%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(3) Five percent (5%) shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Ten percent (10%) shall be paid in equal amounts to each town that:

(A) is located in the county in which the riverboat docks; and

(B) contains a historic hotel.

The town council shall appropriate a part of the money received

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by the town under this subdivision to the budget of the town's tourism commission.

(5) Ten percent (10%) shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population

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of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the property tax replacement fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the property tax replacement fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the property tax replacement fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under ~~subsection~~ **subsections (a)(1) and (h)(3)** to the county treasurer of each county that does not have a riverboat ~~or a casino~~ according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat ~~Except as provided in subsection (h); or a casino.~~ The county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.

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(2) To each town located in the county according to the ratio the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or ~~(h)~~ (i) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county.

Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c) **or IC 4-33-12-6(l)**. Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the property tax replacement fund. The amount of the supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-6); minus

(2) the sum of:

(A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a ~~county~~ containing a

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consolidated city. tax revenue remitted by a licensed owner operating a casino. The treasurer of state shall quarterly pay the taxes remitted by the licensed owner as follows:

(1) One percent (1%) of the wagering taxes remitted in the preceding quarter shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the wagering tax to the prevention and treatment of compulsive gambling.

(2) One million three hundred sixty thousand two hundred thirty-three dollars (\$1,360,233) shall be paid to the Marion County auditor for distribution under subsection (i).

(3) The amount determined under subsection (j) must be set aside for revenue sharing under subsection (e).

(4) The remaining amount must be distributed to the boards of the regional transportation authorities established under IC 36-9-3 before the end of the preceding state fiscal year according to the ratio the number of persons served by each authority bears to the total number of persons served by a regional transportation authority in Indiana. Distributions under this subdivision must be used to fund regional public transportation initiatives.

(i) The Marion County auditor shall distribute the money received by the county auditor under subsection ~~(e)~~ (h)(2) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(j) The amount of wagering taxes remitted by the casino that must be set aside for revenue sharing each quarter under subsection (h)(3) is equal to the result determined in STEP THREE of the following formula:

STEP ONE: Determine the amount of wagering taxes remitted by the casino in the preceding calendar quarter.

STEP TWO: Determine the product of:

(A) the STEP ONE amount; multiplied by

(B) ten percent (10%).

STEP THREE: Determine the result of:

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1 (A) the STEP TWO product; minus

2 (B) one million three hundred sixty thousand two hundred
3 thirty-three dollars (\$1,360,233).

4 SECTION 62. IC 4-33-13-6 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Money paid to a
6 unit of local government under this chapter:

7 (1) must be paid to the fiscal officer of the unit and may be
8 deposited in the unit's general fund or ~~riverboat~~ **local gaming**
9 fund established under IC 36-1-8-9, or both;

10 (2) may not be used to reduce the unit's maximum or actual levy
11 under IC 6-1.1-18.5; and

12 (3) may be used for any legal or corporate purpose of the unit,
13 including the pledge of money to bonds, leases, or other
14 obligations under IC 5-1-14-4.

15 (b) This chapter does not prohibit ~~the~~ a city or county:

16 (1) designated as the home dock of ~~the~~ a riverboat; or

17 (2) **containing a casino;**

18 from entering into agreements with other units of local government in
19 Indiana or in other states to share the city's or county's part of the tax
20 revenue received under this chapter.

21 SECTION 63. IC 4-33-14-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The general
23 assembly declares that the opportunity for full minority and women's
24 business enterprise participation in the ~~riverboat~~ **gaming** industry is
25 essential if social and economic parity is to be obtained by minority and
26 women business persons and if the economies of the ~~riverboat~~ **gaming**
27 cities are to be stimulated as contemplated by this article.

28 SECTION 64. IC 4-33-14-7 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The commission
30 shall use the certifications made under IC 4-13-16.5 for minority and
31 women's business enterprises that do business with ~~riverboat~~ **gambling**
32 operations on contracts for goods and services or contracts for business.

33 SECTION 65. IC 4-33-18-5, AS AMENDED BY P.L.91-2006,
34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2007]: Sec. 5. The department shall research and analyze data
36 and public policy issues relating to all aspects of gaming in Indiana for
37 the enhancement of:

38 (1) the Indiana lottery under IC 4-30;

39 (2) pari-mutuel horse racing under IC 4-31;

40 (3) charity gaming under IC 4-32.2; and

41 (4) ~~riverboat~~ **and** casino gambling under IC 4-33.

42 SECTION 66. IC 4-33-18-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The department shall study and make findings and recommendations on the following:

(1) Alternative methods of taxing gaming entities, including taxes based upon the size of a ~~riverboat~~ **gambing operation** or the number of gaming positions ~~on board a riverboat~~; **maintained in a gambing operation.**

(2) The impact of flexible ~~boarding~~ **scheduling** on the gaming industry.

(3) The impact of breed development programs and sire stakes racing in Indiana.

(4) Any other issue considered appropriate by the department or suggested by:

(A) the Indiana lottery commission;

(B) the Indiana horse racing commission;

(C) the department of state revenue; or

(D) the Indiana gaming commission.

SECTION 67. IC 4-33-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The department shall impose an annual fee of twenty-five thousand dollars (\$25,000) upon the following:

(1) Each licensed owner or operating agent operating a riverboat in Indiana.

(2) Each permit holder (as defined in IC 4-31-2-14) operating a live pari-mutuel horse racing facility in Indiana.

(3) Each licensed owner operating a casino in Indiana.

SECTION 68. IC 4-33-18-9, AS AMENDED BY P.L.91-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Nothing in this chapter may be construed to limit the powers or responsibilities of:

(1) the Indiana lottery commission under IC 4-30;

(2) the Indiana horse racing commission under IC 4-31; or

(3) the Indiana gaming commission under IC 4-32.2 or IC 4-33.

(b) The department may not exercise any administrative or regulatory powers with respect to:

(1) the Indiana lottery under IC 4-30;

(2) pari-mutuel horse racing under IC 4-31;

(3) charity gaming under IC 4-32.2; or

(4) riverboat **and** casino gambling under IC 4-33.

SECTION 69. IC 6-8.1-1-1, AS AMENDED BY P.L.162-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the ~~river boat~~

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1 **riverboat and casino** admissions tax (IC 4-33-12); the ~~river boat~~
 2 **riverboat and casino** wagering tax (IC 4-33-13); the gross income tax
 3 (IC 6-2.1) (repealed); the utility receipts and utility services use taxes
 4 (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted
 5 gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8)
 6 (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the
 7 county option income tax (IC 6-3.5-6); the county economic
 8 development income tax (IC 6-3.5-7); the municipal option income tax
 9 (IC 6-3.5-8); the auto rental excise tax (IC 6-6-9); the financial
 10 institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative
 11 fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor
 12 carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a
 13 reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax
 14 (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the
 15 hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1);
 16 the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the
 17 wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5);
 18 the malt excise tax (IC 7.1-4-5); the petroleum severance tax
 19 (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and
 20 beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and
 21 IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and
 22 hazardous chemical inventory form fee (IC 6-6-10); the penalties
 23 assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and
 24 penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the
 25 underground storage tank fee (IC 13-23); the solid waste management
 26 fee (IC 13-20-22); and any other tax or fee that the department is
 27 required to collect or administer.

28 SECTION 70. IC 7.1-3-17.5-1.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) The commission may issue**
 31 **a casino permit to a person who has been issued an owner's license**
 32 **under IC 4-33-6 to operate a casino in a county containing a**
 33 **consolidated city. A permit issued under this section entitles the**
 34 **holder to sell alcoholic beverages for on-premises consumption**
 35 **only. The permit may be a single permit even though more than**
 36 **one (1) area constitutes the licensed premises of the permit.**

37 (b) A permit issued under this section may be used:

38 (1) in the casino; and

39 (2) in a restaurant owned by the person who has been issued
 40 an owner's license if the restaurant is located on property
 41 adjacent to the casino.

42 SECTION 71. IC 8-18-8-5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (c), all expenses incurred in the maintenance of county highways shall be paid out of funds from the gasoline tax, special fuel tax, and the motor vehicle registration fees that are paid to the counties by the state, and from funds derived from the:

- (1) county motor vehicle excise surtax;
- (2) county wheel tax;
- (3) county adjusted gross income tax;
- (4) county option income tax;
- (5) riverboat **and casino** admission tax (IC 4-33-12); or
- (6) riverboat **and casino** wagering tax (IC 4-33-13).

(b) Except as provided in subsection (c), no ad valorem property tax may be levied by any county for the maintenance of county highways, except in an emergency and by unanimous vote of the county fiscal body.

(c) The county fiscal body may appropriate money from the county general fund to the county highway department to pay for employees' personal services.

SECTION 72. IC 10-13-3-6, AS AMENDED BY P.L.234-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this chapter, "criminal justice agency" means any agency or department of any level of government whose principal function is:

- (1) the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders;
- (2) the location of parents with child support obligations under 42 U.S.C. 653;
- (3) the licensing and regulating of riverboat **and casino** gambling operations **under IC 4-33**; or
- (4) the licensing and regulating of pari-mutuel horse racing operations.

(b) The term includes the following:

- (1) The office of the attorney general.
- (2) The Medicaid fraud control unit, for the purpose of investigating offenses involving Medicaid.
- (3) A nongovernmental entity that performs as its principal function the:
 - (A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;
 - (B) location of parents with child support obligations under 42 U.S.C. 653;
 - (C) licensing and regulating of riverboat gambling operations;

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1 or

2 (D) licensing and regulating of pari-mutuel horse racing
3 operations;

4 under a contract with an agency or department of any level of
5 government.

6 SECTION 73. IC 12-13-14-4.5, AS AMENDED BY P.L.91-2006,
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2007]: Sec. 4.5. (a) Except as provided in this section, the
9 division may distribute cash assistance benefits to a person who is
10 eligible for assistance under the Title IV-A assistance program ~~through~~
11 **through** an automated teller machine or a point of sale terminal that is
12 connected to the EBT system.

13 (b) The division may approve or deny participation in the EBT
14 system by a retailer that is not a food retailer.

15 (c) The division may not approve participation by a retailer or
16 financial institution in the EBT system for distribution of cash
17 assistance under the Title IV-A assistance program through an
18 automated teller machine or a point of sale terminal located on the
19 premises of any of the following:

20 (1) A horse racing establishment:

21 (A) where the pari-mutuel system of wagering is authorized;
22 and

23 (B) for which a permit is required under IC 4-31-5.

24 (2) A satellite facility:

25 (A) where wagering on horse racing is conducted; and

26 (B) for which a license is required under IC 4-31-5.5.

27 (3) An allowable event required to be licensed by the Indiana
28 gaming commission under IC 4-32.2.

29 (4) A riverboat, a **casino**, or other facility required to be licensed
30 by the Indiana gaming commission under IC 4-33.

31 (5) A store or other establishment:

32 (A) where the primary business is the sale of firearms (as
33 defined in IC 35-47-1-5); and

34 (B) that sells handguns for which a license to sell handguns is
35 required under IC 35-47-2.

36 (6) A store or other establishment where the primary business is
37 the sale of alcoholic beverages for which a permit is required
38 under IC 7.1-3.

39 (d) An establishment described in subsection (c)(1) through (c)(6)
40 shall post a sign next to each automated teller machine or point of sale
41 terminal located in the establishment informing a potential user that the
42 automated teller machine or point of sale terminal may not be used to

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1 receive cash assistance benefits under the Title IV-A assistance
2 program.

3 (e) An:

4 (1) establishment that does not post the sign required under
5 subsection (d); or

6 (2) individual who attempts to use an automated teller machine or
7 point of sale terminal to access cash assistance benefits under the
8 Title IV-A assistance program in violation of subsection (d);

9 commits a Class C misdemeanor.

10 (f) The division shall adopt rules under IC 4-22-2 to carry out this
11 section.

12 SECTION 74. IC 12-23-2-2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The addiction
14 services fund is established for the deposit of excise taxes on alcoholic
15 beverages as described in IC 7.1-4-11 and taxes on riverboat **and**
16 **casino** admissions under IC 4-33-12-6.

17 SECTION 75. IC 12-23-2-7 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) For each state
19 fiscal year, the division may not spend more than an amount equal to
20 five percent (5%) of the total amount received by the division from the
21 fund established under section 2 of this chapter for the administrative
22 costs associated with the use of money received from the fund.

23 (b) The division shall allocate at least twenty-five percent (25%) of
24 the funds derived from the riverboat **and casino** admissions tax under
25 IC 4-33-12-6 to the prevention and treatment of compulsive gambling.

26 (c) The division shall reimburse the Indiana gaming commission for
27 the costs incurred in administering a voluntary exclusion program
28 established under the rules of the Indiana gaming commission. The
29 division shall pay the reimbursement from funds derived from the
30 riverboat **and casino** admissions tax under IC 4-33-12-6.

31 SECTION 76. IC 20-47-1-1, AS ADDED BY P.L.2-2006,
32 SECTION 170, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter,
34 "proceeds from riverboat **and casino** gaming" means tax revenue
35 received by a political subdivision under IC 4-33-12-6, IC 4-33-13, or
36 an agreement to share a city's or county's part of the tax revenue.

37 SECTION 77. IC 20-47-1-3, AS ADDED BY P.L.2-2006,
38 SECTION 170, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2007]: Sec. 3. A political subdivision may
40 donate proceeds from riverboat **and casino** gaming to a public school
41 endowment corporation under the following conditions:

42 (1) The public school endowment corporation retains all rights to

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the donation, including investment powers.

(2) The public school endowment corporation agrees to return the donation to the political subdivision if the corporation:

(A) loses the corporation's status as a public charitable organization;

(B) is liquidated; or

(C) violates any condition of the endowment set by the fiscal body of the political subdivision.

SECTION 78. IC 35-45-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. This chapter does not apply to riverboat **and casino** gambling authorized by IC 4-33.

SECTION 79. IC 35-46-1-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11.5. (a) Except for a coin machine that is placed in or directly adjacent to an entranceway or an exit, or placed in a hallway, a restroom, or another common area that is accessible to persons who are less than eighteen (18) years of age, this section does not apply to a coin machine that is located in the following:

(1) That part of a licensed premises (as defined in IC 7.1-1-3-20) where entry is limited to persons who are at least eighteen (18) years of age.

(2) Private industrial or office locations that are customarily accessible only to persons who are at least eighteen (18) years of age.

(3) Private clubs if the membership is limited to persons who are at least eighteen (18) years of age.

(4) ~~Riverboats~~ **A casino or riverboat** where:

(A) entry is limited to persons who are at least twenty-one (21) years of age; and ~~on which~~

(B) lawful gambling is authorized.

(b) As used in this section, "coin machine" has the meaning set forth in IC 35-43-5-1.

(c) Except as provided in subsection (a), an owner of a retail establishment may not:

(1) distribute or sell tobacco by use of a coin machine; or

(2) install or maintain a coin machine that is intended to be used for the sale or distribution of tobacco.

(d) An owner of a retail establishment who violates this section commits a Class C infraction. A citation or summons issued under this section must provide notice that the coin machine must be moved within two (2) business days. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be

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imposed as follows:

(1) If the owner of the retail establishment has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars (\$50).

(2) If the owner of the retail establishment has had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).

(3) If the owner of the retail establishment has had two (2) citations or summonses issued for a violation of this section in the previous ninety (90) days for the same machine, the coin machine shall be removed or impounded by a law enforcement officer having jurisdiction where the violation occurs.

An owner of a retail establishment may not be issued a citation or summons for a violation of this section more than once every two (2) business days for each business location.

(e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

SECTION 80. IC 36-1-8-9, AS AMENDED BY P.L.199-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Each unit that receives:

(1) tax revenue under IC 4-33-12-6 or IC 4-33-13;

(2) revenue under an agreement to share the tax revenue received under IC 4-33-12 or IC 4-33-13 by another unit; or

(3) revenue under a development agreement (as defined in section 9.5 of this chapter);

may establish a ~~riverboat~~ **local gaming** fund. Money in the fund may be used for any legal or corporate purpose of the unit.

(b) The ~~riverboat~~ **local gaming** fund established under subsection (a) shall be administered by the unit's treasurer, and the expenses of administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular fiscal year does not revert to the unit's general fund.

SECTION 81. IC 36-1-14-1, AS AMENDED BY P.L.2-2006, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This section does not apply to donations of proceeds from riverboat **or casino** gaming to a public school endowment corporation under IC 20-47-1-3.

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(b) As used in this section, "riverboat **or casino** gaming revenue" means tax revenue received by a unit under IC 4-33-12-6, IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

(c) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the proceeds from the sale of a utility or facility or from a grant, a gift, a donation, an endowment, a bequest, a trust, or riverboat **or casino** gaming revenue to a foundation under the following conditions:

(1) The foundation is a charitable nonprofit community foundation.

(2) The foundation retains all rights to the donation, including investment powers.

(3) The foundation agrees to do the following:

(A) Hold the donation as a permanent endowment.

(B) Distribute the income from the donation only to the unit as directed by resolution of the fiscal body of the unit.

(C) Return the donation to the general fund of the unit if the foundation:

(i) loses the foundation's status as a public charitable organization;

(ii) is liquidated; or

(iii) violates any condition of the endowment set by the fiscal body of the unit.

SECTION 82. IC 36-7-11.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as otherwise specified in this chapter, the commission has all of the powers and responsibilities of a historic preservation commission established under IC 36-7-11.

(b) The commission shall do the following:

(1) Designate a fiscal agent who must be the fiscal officer of one (1) of the towns to which this chapter applies.

(2) Employ professional staff necessary to assist the commission in carrying out its duties.

(3) Engage consultants, attorneys, accountants, and other professionals necessary to carry out the commission's duties.

(4) Jointly approve, with the Indiana gaming commission, the location and exterior design of a riverboat to be operated in the historic hotel district.

(5) Make recommendations to the Indiana gaming commission concerning the selection of an operating agent (as defined in IC 4-33-2-14.5) that the commission believes will:

(A) promote the most economic development in the area surrounding the historic hotel district; and

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1 (B) best serve the interests of the residents of the county in
 2 which the historic hotel district is located and all other citizens
 3 of Indiana.

4 (6) Make recommendations to the Indiana gaming commission
 5 concerning the operation and management of the riverboat to be
 6 operated in the county.

7 (c) This section does not limit the powers of the Indiana gaming
 8 commission with respect to the administration and regulation of
 9 riverboat **and casino** gaming under IC 4-33.

10 SECTION 83. [EFFECTIVE JULY 1, 2007] (a) **Central Indiana**
 11 **is presented with unique challenges with regard to the delivery,**
 12 **affordability, availability, and need for public transit.**

13 (b) **Permitting casino gambling in a county containing a**
 14 **consolidated city is consistent with purposes of lawful gambling set**
 15 **forth in IC 4-33-1-2 and is the appropriate subject of this act**
 16 **because of the inability of the county to derive significant economic**
 17 **benefits, including employment and investment opportunities, from**
 18 **the presence of riverboat gaming operations because of the**
 19 **distance between the county and Indiana's riverboat gaming**
 20 **operations.**

21 (c) **Permitting casino gambling in a county containing a**
 22 **consolidated city is necessary to generate the resources necessary**
 23 **to meet the challenges described in subsection (a) and to mitigate**
 24 **the demands placed on the region's transportation assets by**
 25 **residents, commuters, tourists, and business visitors.**

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